

Remarks

Applicant kindly thank Examiner Akhavan and Supervisor Sullivan for the telephone interview of October 21, 2005.

Claims 1-36 are pending. Claims 37-49 are new. Claims 28 and 29 have been rejected. Claims 1-26 and 29-36 have been withdrawn from consideration. Claims 1-26 and 29-36 have been canceled. Claims 28 and 29 have been amended. No new matter has been added.

Importantly, the claim amendments and cancellations should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments and cancellations are being made solely to claim more clearly the invention and to expedite the prosecution of the above-identified application. The Applicant expressly reserves the right to prosecute further the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application (35 USC § 120).

Election/Restriction

The Applicants affirm the election of Group II (claims 27 and 28) and note the election of SEQ ID NO: 52 and 53 was not required for the examination of the elected group.

Claim Objections

Claims 27 and 28 are objected to for depending on nonelected claims. Specifically the Examiner indicates that the claims must be amended to incorporate the limitations for “the plasmid” so as to obviate improper dependence on nonelected claims. Claims 27 and 28 have been amended rendering this rejection moot.

Claim 27 is further objected to for omitting the definite article “the” before the term “functional” in part j. Claim 27 has been amended rendering this rejection moot.

Claim 28 is further objected to for using the acronym “GFP” in part f. Claim 28 has been amended rendering this rejection moot.

Given the amendments presented above the Applicant respectfully request the withdrawal of the Examiner’s objections to the pending claims.

Response to Claim Rejections Based on 35 USC § 112¶2

Claims 27 and 28 are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant respectfully traverses.

The Examiner cites three instances of a lack of sufficient antecedent support: “the rRNA,” “the regions of interest,” and “the functional mutant ribosome.” Claims 27 and 28 have been amended to distinctly show antecedent basis for the terms used. In addition, the Examiner indicates that in part (h), of claim 28, it is unclear which “selectable marker” the claim is referring. The claim has been amended to properly refer to a genetically engineered gene which encodes green fluorescent protein introduced in step (e), as amended.

Further, the Examiner asserts that the claims are ambiguous. In one instance, the Examiner indicates that the phrase “a mutant Anti-Shine-Dalgarno sequence, at least one mutation in said rRNA gene” is ambiguous. In another instance, the Examiner suggests that it is not clear how steps (b) to (f) relate to a method of identifying a drug candidate. The Examiner further indicates that step (f) is unclear for reciting “region of interest,” and for allowing for the possibility of a plasmid with two mutant ASD sequences. Claims 27 and 28 have been amended to address the asserted ambiguities.

The Applicant respectfully suggests that the amendments presented herein make clear the metes and bounds of the claims. Thus, the Applicant respectfully requests withdrawal of the rejections.

Fees

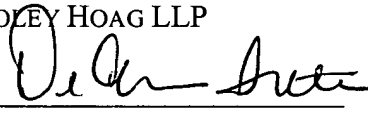
The Applicant believes no fees, other than the extension of time requested herewith, is required in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, 06-1448; Reference WSS-591.01.

Conclusion

In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. The Applicant respectfully requests reconsideration and withdrawal of the pending rejections. The Applicant thanks the Examiner for careful consideration of the present case. If a telephone conversation with Applicant's Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Patent Group
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210
(617) 832-1264
(617) 832-7000 (FAX)

Respectfully submitted,
FOLEY HOAG LLP


DeAnn F. Smith, Esq.
Registration No. 36,683
Attorney for Applicant

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